

A CERTIFIED TRUE COPY
ATTEST

By April Layne on Jan 03, 2008

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

DOC # 5

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

Jan 03, 2008

FILED
CLERK'S OFFICE

IN RE: KFC CORP. FAIR LABOR
STANDARDS ACT LITIGATION

TRANSFER ORDER



Before the entire Panel: Common defendant KFC Corp. (KFC) has moved, pursuant to 28 U.S.C. § 1407, for coordinated or consolidated pretrial proceedings of this litigation in the District of Minnesota. Plaintiffs in all actions oppose the motion.

This litigation currently consists of 28 actions listed on Schedule A and pending in 27 districts as follows: two actions in the District of Minnesota and one action each in 26 other districts throughout the nation.

After considering all argument of counsel, we find that these 28 actions involve common questions of fact, and that centralization under Section 1407 in the District of Minnesota will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All actions share factual questions arising out of similar allegations that KFC assistant unit managers are entitled to overtime compensation under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, *et seq.*, and analogous state laws. Centralization under Section 1407 will eliminate duplicative discovery; prevent inconsistent pretrial rulings, including those with respect to certification of collective and class actions; and conserve the resources of the parties, their counsel and the judiciary.

Objecting plaintiffs assert that centralization under Section 1407 is unnecessary because, *inter alia*, most of the discovery required in the actions has already been completed. We respectfully disagree. Discovery and motion practice with respect to the common factual questions regarding the propriety of KFC's employment practices and compliance with the FLSA and related state laws remains. Centralization under Section 1407 has the salutary effect of placing all actions in this docket before a single judge who can formulate a pretrial program that ensures streamlined resolution of all actions to the overall benefit of the parties and the judiciary.

We are persuaded that the District of Minnesota is an appropriate transferee forum for this litigation. All actions now before the Panel arise from the decertification of a conditionally certified nationwide collective action filed in the District of Minnesota *Parler* action, which has been pending

* Judges Motz and Scirica did not participate in the disposition of this matter.

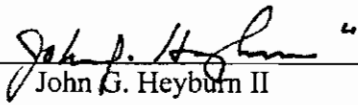
5
1/11/08
MK Conley

-2-

for over two years.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the District of Minnesota are transferred to the District of Minnesota and, with the consent of that court, assigned to the Honorable David S. Doty for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

PANEL ON MULTIDISTRICT LITIGATION



John G. Heyburn II
Chairman

D. Lowell Jensen
Robert L. Miller, Jr.
David R. Hansen

J. Frederick Motz*
Kathryn H. Vratil
Anthony J. Scirica*

**IN RE: KFC CORP. FAIR LABOR STANDARDS
ACT LITIGATION**

MDL No. 1892

SCHEDULE A

Middle District of Alabama

Victoria Poole, et al. v. KFC Corp., C.A. No. 2:07-502

District of Arizona

Linda Alberico Pelland, et al. v. KFC Corp., C.A. No. 2:07-1110

District of Connecticut

Armando Amador v. KFC Corp., C.A. No. 3:07-883

District of Delaware

James Prestigiacomio, et al. v. KFC Corp., C.A. No. 1:07-353

District of District of Columbia

Gloria Bell, et al. v. KFC Corp., C.A. No. 1:07-1016

Middle District of Florida

Mark Bourlotos, et al. v. KFC Corp., C.A. No. 8:07-968

Northern District of Georgia

Constance Wilson, et al. v. KFC Corp., C.A. No. 1:07-1538

Northern District of Illinois

Talia Pippion, et al. v. KFC Corp., C.A. No. 1:07-3957

Southern District of Indiana

Vickie Aldridge, et al. v. KFC Corp., C.A. No. 4:07-77

Western District of Kentucky

Karen Black, et al. v. KFC Corp., C.A. No. 3:07-312

- A2 -

MDL No. 1892 Schedule A (Continued)

Middle District of Louisiana

Tanya Ford, et al. v. KFC Corp., C.A. No. 3:07-390

District of Maryland

Gloria Dozier, et al. v. KFC Corp., C.A. No. 8:07-1517

District of Massachusetts

Francisco Anacleto, et al. v. KFC Corp., C.A. No. 1:07-11066

Eastern District of Michigan

Minnie Ballard, et al. v. KFC Corp., C.A. No. 2:07-12538

District of Minnesota

Christian Parler, et al. v. KFC Corp., C.A. No. 0:05-2198

Ray Ackerman, et al. v. KFC Corp., C.A. No. 0:07-2656

Western District of Missouri

Jason Johnson v. KFC Corp., C.A. No. 4:07-416

District of Nevada

Arturo Neyra, et al. v. KFC Corp., C.A. No. 2:07-795

District of New Jersey

Robert Gruber, et al. v. KFC Corp., C.A. No. 1:07-2775

Southern District of New York

David Thames, et al. v. KFC Corp., C.A. No. 1:07-6836 (WAP)

Western District of North Carolina

Nikkia Barkley, et al. v. KFC Corp., C.A. No. 3:07-226

- A3 -

MDL No. 1892 Schedule A (Continued)

Southern District of Ohio

Thomas Wellman, et al. v. KFC Corp., C.A. No. 1:07-439

Western District of Oklahoma

Grahm Baccus, et al. v. KFC Corp., C.A. No. 5:07-648

Eastern District of Pennsylvania

Troy Williams, et al. v. KFC Corp., C.A. No. 2:07-2920

Eastern District of Tennessee

Kimberlee Bosworth v. KFC Corp., C.A. No. 1:07-131

Western District of Texas

Claudio Hernandez, et al. v. KFC Corp., C.A. No. 3:07-201

Eastern District of Virginia

Sebrina Dandrige, et al. v. KFC Corp., et al., C.A. No. 3:07-332

Northern District of West Virginia

Hope Jones, et al. v. KFC Corp., C.A. No. 3:07-74